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*Indirect Purchaser Plaintiffs*  
*Interim Co-Lead Class Counsel*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

IN RE LITHIUM ION BATTERIES  
ANTITRUST LITIGATION,

Case No. 4:13-md-02420 YGR (DMR)  
MDL No. 2420

This Documents Relates to:  
ALL INDIRECT PURCHASER  
ACTIONS

**JOINT STATUS REPORT RE  
SETTLEMENTS**

Judge: Hon. Yvonne Gonzalez Rogers  
Court: Courtroom 1, 4th Floor

Pursuant to the Court's order of May 1, 2018 (ECF No. 2276) and its order of May 15, 2018 (ECF No. 2315), Indirect Purchaser Plaintiffs ("IPPs") and Defendants Samsung SDI Co., Ltd. and Samsung SDI America, Inc. ("SDI"), TOKIN Corporation ("TOKIN"), and Toshiba Corporation ("Toshiba") (collectively, the "Settling Defendants"), hereby write to jointly advise the Court of the status of their executed settlement agreements.

As IPPs previously stated, a Ninth Circuit panel recently issued an opinion, on January 23, 2018, in *In re Hyundai & Kia Fuel Economy Litigation*, 881 F.3d 679 (9th Cir. 2018), which addressed certification of a nationwide settlement class involving claims arising from state law. The ultimate fate of *Hyundai* remains uncertain, as petitions for *en banc* review have been filed on behalf of the settlement class and defendants,<sup>1</sup> with support from several *amici curiae*. IPPs continue to believe that consideration of the settlement agreements here should be deferred, given the uncertain status of *Hyundai*.<sup>2</sup> Furthermore, as this Court knows, objector appeals of the Court's prior final approval orders are now pending in the Ninth Circuit, which may provide additional guidance on objections that are likely to be re-lodged with respect to the latest settlements. We have no doubt that the proposed settlements merit court approval, and that this Court will be armed to make the appropriate findings regardless of the status of *Hyundai*; however, a brief delay to obtain additional information may help the Parties and the Court to proceed with greater focus. Accordingly, with this Court's permission, IPPs will defer seeking preliminary approval of the settlement agreements. IPPs and the Settling Defendants will file a further status report on the earlier of (a) one week after any action by the Ninth Circuit resolving any of these uncertainties; or (b) 30 days from the date of this Status Report. Settling Defendants do not oppose this 30-day deferral in filing for preliminary approval, but reserve their rights regarding any request for an additional deferral.

<sup>1</sup> See Pls.-Appellees' Pet. for Rehearing En Banc, *Hyundai*, No. 15-56014 (9th Cir. Mar. 8, 2018), ECF No. 102; Defs.-Appellees' Pet. for Rehearing En Banc, *Hyundai*, No. 15-56014 (9th Cir. Mar. 8, 2018), ECF No. 103.

<sup>2</sup> See Order, *Michael Edenborough, et al. v. ADT, et al.*, No. 16-cv-02233-JST (N.D. Cal. Mar. 29, 2018) (deferring consideration of a settlement in a consumer class action).

1 Dated: July 13, 2018

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**ATTESTATION**

I, Brendan P. Glackin, attest, pursuant to Northern District of California, Local Rule 5-1(i)(3) that concurrence in the filing of this document has been obtained from each of the signatories hereto.

By: /s/ Brendan P. Glackin

Brendan P. Glackin